

MR3003-62

Application Serial No. 10/691,493

REMARKS/ARGUMENTS

This Second Preliminary Amendment is being filed responsive to discussions with the Examiner in this case.

This patent application, Serial No. 10/691,493, was filed concurrently with another patent application, Serial No. 10/691,494, at the U.S. Patent and Trademark Office on 24 October 2003.

This patent application, Serial No. 10/691,493, and the second patent application, Serial No. 10/691,494, were received by the Examiner and the Examiner issued a First Office Action dated 21 September 2004 for Serial No. 10/691,494 (other patent application). Unfortunately, the Examiner apparently mistook or mixed up the applications and in fact the First Office Action dated 21 September 2004 was an action which should have been applied to this patent application, Serial No. 10/691,493.

The undersigned attorney then spoke to the Examiner and indicated to the Examiner that there was some mix-up and that the Office Action of 21 September 2004 was in fact, not an Office Action for Serial No. 10/691,494 but rather for this patent application, Serial No. 10/691,493.

The Examiner then indicated to the undersigned attorney that he should answer the Office Action as if it was for an action on Serial No. 10/691,493 (this patent application). The undersigned attorney then provided an Amendment responsive to the Office Action of 21 September 2004 referencing this patent application, Serial No. 10/691,493 and explaining in the preamble the mix-up in the cases.

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After many calls to the Examiner and the Supervising Examiners, apparently the Office Action of 21 September 2004 has been vacated by the USPTO.

Thus, it appears that there are no actions in this case. However, the undersigned attorney did file an Amendment at the USPTO on 30 November 2004. The Examiner has indicated to the undersigned attorney that this now would be treated as a Preliminary Amendment.

It was also decided that the undersigned attorney should now prepare a Second Preliminary Amendment to place the case in exactly the same manner as it was filed.

This will now allow the Examiner to issue an Office Action which is simply based upon the original patent application as filed.

Thus, Claims 1-20 have been canceled from this case which were in the first Amendment (now treated as a Preliminary Amendment) and new Claims 21-38 are presented for examination.

It is believed that Claims 21-38 correspond exactly to the originally filed Claims 1-18.

It is believed that this will now allow the Examiner to issue a First Office Action based upon the originally filed patent application.

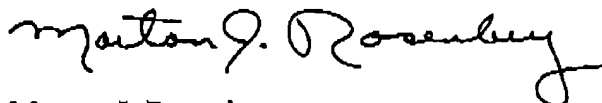
The only thing that is being maintained from the first Amendment (first Preliminary Amendment) is the removal of the objections by the Examiner to the Abstract.

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It is now hoped that the case will properly be docketed and a First Office Action sent to the undersigned attorney.

Respectfully submitted,



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Registration #26,049

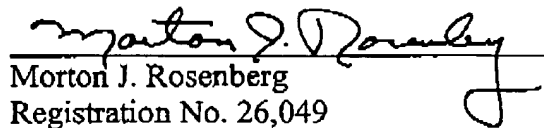
Dated: 3/4/05

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office, Art Unit #3749, on the date shown below.

3/4/05
Date


Morton J. Rosenberg
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